

B Quarterly Information Update

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Division of Disability and Elder Services

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Bureau of
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Provider Directories on the Internet

We continue to add new provider types to the Wisconsin Health Care Provider Directories page at www.dhfs.state.wi.us/bqaconsumer/HealthCare/directories.htm. Here are the latest additions:

- Ambulatory Surgical Centers
- Rural Health Clinics
- Swing Bed Hospitals (contain beds that can be converted to nursing home status)

As with the other directories, we provide PDF versions in two alphabetical versions: one by county (then by city) and one by facility name. We also provide an Excel version for use in creating mailing labels. A short-name field is included to provide a more convenient form of individual providers' names that might otherwise prove too long for mailing labels.

We expect to prepare and post directories for hospitals and end-stage renal disease/dialysis centers by

November. We have already posted the first quarterly replacements for the nursing home, FDD, hospice and home health agency lists. If you have any questions, please contact Todd McCall at (608) 267-3808 or by E-mail mccaltw@dhfs.state.wi.us.

Caregiver Regulation Section Chief Retires

Donna Cochems, chief of the Caregiver Regulation & Investigation Section (CRIS) retired from state service September 2, 2003. Donna was hired to head the section when it was created in 1999 as a response to the 1998 Caregiver Law. She was responsible for overseeing the development and staffing needed and also established the many systems and protocols needed to assure the integrity of Wisconsin's nurse aide registry, as well as its implementation of the Caregiver Law.

We feel very fortunate to have had Donna's expertise and enthusiasm in leading this section over the course of its creation, and we wish her well in her retirement.

Susan Larsen has been appointed as Interim Section Chief until the new Section Chief is appointed.

Medicare: Final Rule on Hospital Responsibilities to Patients Seeking Treatment for Emergency Conditions

The Centers for Medicare & Medicaid Services (CMS) issued a final rule on August 29th, 2003 clarifying hospital obligations to patients who request treatment for emergency medical conditions under the Emergency Medical Treatment and Labor Act (EMTALA). The new rule expands the definition of emergency department to mean any department or facility of the hospital, whether situated on or off the main hospital campus, that: (1) is licensed by the state as an emergency room or emergency department; (2) is held out to the public as providing care for emergency medical conditions without requiring an appointment; or (3) during its previous calendar year, has provided at least one-third of all its outpatient visits for the treatment of emergency medical conditions on an urgent basis. The final rule will be published in the September 9, 2003 *Federal Register*, and becomes effective November 10, 2003.

Other key provisions of the final rule include:

- Clarification of the circumstances in which physicians, particularly specialty physicians, must serve on hospital medical staff "on-call" lists. Under the revised regulations, hospitals will have discretion to develop their on-call lists in a way that best meets the needs of their communities. In keeping with traditional practices of "community call," physicians will be permitted to be on call simultaneously at more than one hospital, and to schedule elective surgery or other medical procedures during on-call times.
- Clarification that hospital-owned ambulances may comply with citywide and local community protocols for responding to medical emergencies and thus be used more efficiently for the benefit of their communities.
- Permits hospital departments that are off-campus to provide the most effective way of caring for emergency patients without requiring that the patient be moved to the main campus when this would not be best for the patient.

The final rule clarifies that EMTALA does not apply to individuals who come to off-campus outpatient clinics that do not routinely provide emergency services or to those who have begun to receive scheduled, non-emergency outpatient services at the main campus – for example, routine laboratory tests. Other regulations and state licensing laws already cover the hospital's obligations to patients in such circumstances.

In addition, the rule clarifies that EMTALA does not apply after a patient has been seen, screened, and admitted for inpatient hospital services, unless the admission is made in bad faith to avoid the EMTALA requirements.

See the complete press release at www.cms.hhs.gov/media/press/release.asp?Counter=837.

Final Rule for Rural Health Clinics

Per CMS, the Final Rule for Rural Health Clinics is expected soon. This is the process to implement provisions of the Balanced Budget Act of 1997. As soon as the Final Rule is available, BQA will post this information to the Rural Health Clinic pages via www.dhfs.state.wi.us/rl_DSL/RuralHealthClinics/RHCIntro.htm.

New Rules: Feeding Assistants in Nursing Homes

The US Department of Health & Human Services announced new regulations that allow for trained feeding assistants in nursing homes to free up nurses and nurse aides for other duties. The final rule appears in the September 26, 2003 issue of the Federal Register and becomes effective October 27, 2003. The press release announcing this change is located at www.hhs.gov/news/press/2003pres/20030925.html and the Federal Register announcement can be found via www.archives.gov/federal_register/.

BQA Numbered Memos August-September 2003

Memo	Title	Providers Affected
03-012	Wisconsin Nurse Aide Program Monitoring	Nurse Aide Training Programs
03-013	Informal Dispute Resolution (IDR) Update (REPLACES BQA memo 02-013)	Facilities for People with Developmental Disabilities, Nursing Homes

The following memo will be published in the near future: “Insulin Medication Errors in Nursing Homes.”

We obsoleted BQA memo 01-011, “BQA Best Practices Program for Nursing Homes,” as that program has been transferred to Metastar, Wisconsin’s federal Quality Improvement Organization. Metastar has been contracted by the Centers for Medicare and Medicaid Services to provide best practices programs and technical assistance. Because Metastar incorporates best practices into their programs, the decision was made to merge the two programs into one and have Metastar move forward with theirs. The Best Practices materials posted to the BQA Internet Pages have been removed. We have also obsoleted BQA memos 00-074, 01-009 and 01-054 – please see [article on “Reporting Deaths”](#) below.

We have been asked to provide PDF versions of all BQA memos currently posted only as browser-friendly files (HTML). Memos affected are those from 1998 to the present. This work will proceed as time becomes available over the next couple of months. Links to these PDF documents will be made available in the memos’ HTML versions.

Access all BQA memos via www.dhfs.state.wi.us/rl_DSL/Publications/BQAnodMems.htm or from individual providers' publications pages via www.dhfs.state.wi.us/rl_DSL/.

Plan Review: Permit to Start Form

The Permit to Start, DDE 2457, used by providers working with BQA’s Engineers, is now available on the DHFS Web. It was previously obtainable only as a 3-ply form by calling the Health Services Section office. Also available is the updated Application for Plan Review, DDE 2333. Both forms are available via the DHFS Forms Library at www.dhfs.state.wi.us/forms/index.htm?nav=mo.

Revised Death Reporting Information Page

BQA's reporting procedures for client or patient deaths attributable to suicide, restraints or psychotropic medications have been reorganized into a permanent Internet site at www.dhfs.state.wi.us/rl_DSL/Providers/ReportDeath.htm, along with information on pronouncement of death, preserving death scenes, removal of bodies, and related issues. This information was contained in BQA memos 00-074, 01-054 and 01-009, which are now made obsolete. Providers responsible for reporting these deaths to BQA include adult family homes, alcohol and other drug abuse treatment programs, community based residential facilities, home health agencies, hospices, hospitals, mental health treatment programs, nursing homes and other long term care facilities, and residential care apartment complexes.

The site contains a link to the revised [Death Reporting form DDE-2470](#), which contains updated contact information for faxing the form and any questions you may have about the process.

Watch for Upcoming ICF/MR Conference in 2004

A second annual ICF/MR Provider Conference is being planned for March 2004. No date or location has been set at this time. Watch for further information. Facilities serving persons with developmental disabilities (FDDs) should receive a training brochure in the mail. The brochure will also be posted to the Internet at http://www.dhfs.state.wi.us/rl_DSL/Training/index.htm closer to the time of the conference.

Upcoming Seminar/Training Opportunities

Brochures on upcoming training will be mailed to providers and posted on the Internet. Check the BQA Provider Training page at www.dhfs.state.wi.us/rl_DSL/Training/index.htm or the Provider or What's Happening sections for individual health/residential care providers via www.dhfs.state.wi.us/rl_DSL. For registration questions, contact the Bureau of Quality Assurance Training Coordinator at (608) 267-1438.

Program(s)	Locations and Dates
Beyond Resident Assessment Instrument (RAI) Basics - Assessment and Care Planning	October 30, 2003 – Eau Claire, Park Inn November 12, 2003 – Madison, Radisson
The Power of Information – Using the Resident Assessment Instrument to Improve the Quality of Nutrition and Hydration*	November 4, 2003 – Tomah, Holiday Inn November 20, 2003 – Fond du Lac, Holiday Inn

**This program is planned for nutrition/dietetic professionals and others who conduct nutritional assessments, develop plans of care and evaluated nutritional outcomes for nursing home residents. This program will focus on using the Resident Assessment Instrument (RAI) in conducting nutritional assessments by reviewing the RAI process and related regulatory requirements, accurately coding the MDS, and using the assessment information in developing plans of care.*

OASIS Items in Detail (see article below)	November 13, 2003 – Eau Claire November 19, 2003 – Madison
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Please note that the previously announced “Home Health 101” presentation on the Centers for Medicare and Medicaid Services (CMS) Conditions of Participation has been indefinitely postponed.

OASIS Training Opportunities

Items-in-Detail

BQA is conducting two half-day training sessions on OASIS Items-in-Detail in November 2003. The workshop is intended to improve clinician’s understanding of the OASIS data items, creating accuracy and consistency in responding to the items.

Dates and locations:

- November 13, 2003: Quality Inn, Eau Claire
- November 19, 2003: Mendota Mental Health Conference Center, Madison

Brochure and registration form:

HHAs may obtain a detailed training brochure with registration form in the following ways:

- A brochure with registration form was mailed to all Wisconsin HHAs in September.
- The brochure with registration form is available under Bulletins on the State OASIS System Welcome Page.

Further information:

Contact Leann Graffin at (608) 267-1438 or grafl@dhfs.state.wi.us for registration information.

Interpreting and Using the New Outcome and Case Mix Reports

On October 2, 2003, BQA presented a WisLine Audio training on “Interpreting and Using the New Outcome and Case Mix Reports.” BQA is making paper copies of this training available to home health agencies. If you missed this training or would like to use it to train your staff, you may access and print the following material from the State OASIS System Welcome Page. Click on Bulletins and scroll down to “Interpreting and Using the New Outcome and Case Mix Reports” to obtain:

- Power point presentation with notes
- Sample reports
- Exercises
- Supplement to Outcome Based Quality Improvement Manual.
- OASIS resources

These are also available on the web via www.dhfs.state.wi.us/rl_DSL/HHAs/HHAprovds.htm.

If you have questions on the new reports, contact Andrea Henrich, OASIS Education Coordinator, (608) 267-3807 or Chris Benesh, OASIS Automation Coordinator, (608) 266-1718.

Home Health Quality Initiative (HHQI)

On October 3, 2003, CMS broadcast a two and ½ hour presentation via satellite on HHQI and the home health quality measures that will be displayed in the national launch of HHQI. Individuals can view the Webcast of the program up to one year following October 3 at www.cms.internetstreaming.com.

CMS Web-based OASIS Training

In mid-October, CMS will make an OASIS training program available on the web. As more information becomes available, BQA will announce it on the State OASIS System Welcome Page, under Bulletins.

Recent OASIS Changes

CMS announced changes to the OASIS data set as part of the reduced burden OASIS. To accommodate these changes, CMS published a new version of the data set and also new data submission specifications. The following bullets summarize these changes and provide resources for further information:

- **Data specifications:** All assessment records with completion dates (M0090) on or after October 1, 2003 must conform to the new version 1.40 data submission specifications. If the data specifications used for submission do not meet this requirement, the assessment will receive a fatal record error, causing the record to be rejected and the data will not be stored in the state database. Resource: www.cms.hhs.gov/oasis/datasubm.asp.
- **Diagnosis codes:** To ensure that HHAs can report ICD-9-CM diagnosis codes to be compliant with HIPAA, changes to reporting diagnosis codes in M0230/240/245 are effective October 1, 2003. Resource: OASIS Implementation Manual (December 2002).
- **Branch ID:** CMS is in the process of assigning standardized branch IDs to every existing branch belonging to a HHA or subunit. The CMS Regional Office is in the process of mailing letters to parent HHAs with their branch ID numbers. This process will be completed by the end of this year.

Version 1.40 data specifications require that HHAs report these standardized branch IDs in M0016 for all assessments with completion dates (M0090) on or after January 1, 2004. At that time, the following responses to M0016 are appropriate:

- If HHA has 'no' branches, respond "N".
- If HHA is the parent agency, respond "P".
- If HHA is the branch, enter entire assigned branch number.

Resource: www.cms.hhs.gov/oasis/datasubm.asp.

- **Data set:** The reduced burden OASIS data set is OASIS B-1 (12/2002). HHAs may use either the OASIS B-1 (12/2002) or may continue to use the previous version, OASIS B-1 (8/2002) data set for collection of OASIS data, as long as the version 1.40 data submission

requirements are met, including changes to M0016, M0230, M0240 and the addition of M0245. Non-required data items that are submitted will not be edited or stored on the State database. Resource: www.cms.hhs.gov/oasis/oasisdat.asp.

Life Safety Code – Questions / Answers:

Q: When does a hospital or nursing home facility have to submit construction plans for a remodeling project?

A: Remodeling means to make over or rebuild any portion of a building or structure and thereby modify its structural strength, fire hazard character, exits, heating and ventilating systems, electrical system or internal circulation, as previously approved by the Department. Where exterior walls are in place but interior walls are not in place, construction of interior walls shall be considered remodeling. Remodeling does not include repairs necessary for the maintenance of a building or structure. Hence all projects that meet the definition of remodeling shall be submitted to the Department for review and approval prior to construction.

Construction plan approval forms and instructions are available at (608) 243-2088 or by connecting to www.dhfs.state.wi.us/rl_DSL/PlanReview/index.htm.

Q: When should a hospital or nursing home report a fire?

A: All fires within a hospital or nursing home should be reported to the Department within 72 hours per HFS 132.82(6)(e) and HFS 124.36(11) by faxing the report to (608) 267-7119 or by using a Fire Reporting Form available at www.dhfs.state.wi.us/forms/DDES/DDE2500.pdf.

Latest CMS Survey & Certification Letters

Below is a list of the Survey and Certification Letters distributed by the federal Centers for Medicare and Medicaid Services (CMS) during the last quarter. These letters are posted as PDF files to the Internet via www.cms.gov/medicaid/survey-cert/letters.asp. Please be aware that some letters pertain only to state agency operations. If you have questions about individual letters, contact Susan Hespen of BQA at (608) 266-0582 or E-mail hesperj@dhfs.state.wi.us.

Title	Number	Date
State Survey Agency Performance Standards for Fiscal Year (FY) 2003	03-27	7/10/03
Automation of Surveyor Minimum Qualifications Test (SMQT) and Clarification of Survey Activities	03-28	7/10/03
Discontinuance of Forms HCFA-1513, "Ownership and Control Interest Disclosure Statement" and HCFA-2572, "Statement of Financial Solvency"	03-29	8/14/03
Clinical Laboratory Improvement Amendments (CLIA) Policy Letters for First Survey Cycle Following the Effective Date of CMS-2226-F	03-30	8/14/03
Transfer of Data from the ASPEN Complaints/Incidents Tracking System (ACTS) to State Systems - DECISION	03-31	8/14/03
Pilot Program for Surveyor Technical Assistant for Renal Disease (STAR)	03-32	8/14/03
Correction Policy for Home Health Agency (HHA) Administrative Data on the Home Health Compare Web Site	03-33	9/11/03

Consumer Information Reports 2002

Visit www.dhfs.state.wi.us/bqaconsumer/NursingHomes/CIRindex.htm to view new reports for Wisconsin's nursing homes and facilities for people with developmental disabilities for 2002. According to our established policy, the site contains two years' worth of reports for all facilities. Older reports can still be obtained on request from our records center.

A change from previous practice will be the retention of reports for closed facilities. They will continue to be listed (and the reports available) with a note that the facility is no longer in operation.

Administrative Rules Update

HFS 124 – “Hospitals”

The Department modified provisions in Subchapter VI, “Critical Access Hospitals” in HFS 124. The Department filed the final proposed rules on August 15, 2003 and anticipates an effective date of October 1, 2003. You may view the final rule order on the DHFS website at:

<http://apps3.dhfs.state.wi.us/admrules/public/Rmo?nRmoId=11>

Other Bureau of Quality Assurance (BQA) Rule Updates:

“Omnibus Rulemaking Order”

In the interest of keeping our administrative rules up to date, the Department's Rules Unit filed its first Department Omnibus Rule Order on September 15, 2003. The omnibus package includes relatively minor revisions to the following BQA rules: HFS 83, HFS 124, HFS 132, HFS 133, and HFS 134. You may view the final “Omnibus Rule Order” on the DHFS website at <http://apps3.dhfs.state.wi.us/admrules/public/Rmo?nRmoId=33>

“BQA Long Term Care Rulemaking Order”

The Department is drafting a “Statement of Scope” that proposes to revise two of its health facility-related administrative rules through a single rulemaking order. The proposed revisions will cover changes to the following rules administered by BQA: HFS 132 “Nursing Homes” and HFS 134 “Facilities for the Developmentally Disabled.”

For questions about BQA-related rules, contact Cheryl Bell-Marek at (608) 264-9896 or e-mail at bellmcj@dhfs.state.wi.us